IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4335 OF 2004

Smt. Laxmibai Machhindra Kadam
and anr. ... Petitioners

Versus

The State of Maharashtra ... Respondents

Mr. G.S. Godbole for Petitioner.

Mr. R.M. Patne, A.G.P. for Respondents.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 18, 2005

P.C.

. Rule. Respondent waives service. Heard forthwith.

. It is the case of the Petitioner that late Machindra Kadam had applied for Reference being Reference No. 110 of 1988. He expired on 23.2.2001. The same reference was dismissed on 19.4.2002 on the ground that the sole claimant has died and his heirs were not brought on record. It is the case of the petitioner that they were not aware and came to know only on 13.10.2002. They received certified copies on 25.11.2002 and filed an application on 2.12.2002. They also filed an application on 7.12.2002 for condonation of delay. Application, however, came to be dismissed by order dated 10.02.2004. It is against that order the

present petition.

. Considering the contention of the petitioners, that they were not aware and further as in the matter for enhancement of compensation and as otherwise petitioners as per their contention of their knowledge took steps, in our opinion, the impugned order dated 10.02.2004 is liable to be set aside. The Reference is restored by condoning the delay and setting aside the abatement and allowing the application of the Petitioner herein to bring the legal heirs on record. Reference Court is directed to dispose of the Reference with Applicants in place of late Machindra Kadam. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)